

Ecclesiastical Rules and Constitutions for Order and Discipline

An unpublished manuscript—
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I. INTRODUCTION

THIS manuscript is housed in New College Library, to which it was transferred from the Library of the General Assembly of the Church of Scotland some years ago. Unfortunately there seems to be no record of where it came from, and the MS. itself gives no direct indication of its date, source or authorship. The volume in which it is contained has three MSS. This set of Rules (to be referred to as MS.A.) begins at one end of the volume and the writing covers 49 pages, with 15 chapters and a conclusion. At the other end of the volume is another but different set of Canons (MS.B.), without a title, but commencing "Cap. 1. Of the Church of Scotland" and continuing for 34 pages with 19 chapters. The central part of the volume contains some MS. extracts from Wodrow's MSS. (Appendix. Volumes II and III), but none of these extracts seems to bear on the subject of the Canons.

As to the date, there is little doubt that the two sets of Canons belong to the seventeenth century, the writing being of that period. Moreover, one Canon in MS.A. is concerned with the observance on 29th May of the birthday and restoration of Charles II. Though this observance is not mentioned in MS.B., there is a reference in chapter 17, para. 3, to the 4th Act of the third session of the first Parliament of Charles II 'for matters concerning the state of the Church in general'. In both MSS. the government of the Church is episcopal. It seems therefore that the proposed Canons in both sets were prepared between the Restoration (1660) and the death of Charles II (1685). It may be suggested that here was an attempt to introduce a revised edition of the Canons of 1636—the similarity will be seen in our examination of the rules—with perhaps at a few points revisions tending to make them more acceptable to the

whole Church. There seems to be no record of any authoritative instruction for the preparation of these Canons. With the kind assistance of Canon W. D. Cooper and with the permission of the Primus (the Most Reverend the Bishop of Glasgow and Galloway) and of the Principal of Coates Hall (Canon K. J. Woolcombe), the papers in the Episcopal Chest in Coates Hall were examined, but no trace of instruction anent or reference to the Canons of the two MSS. was found.

Perhaps at this point we should remind ourselves briefly of the events preceding the issue of the Canons of 1636. The Aberdeen General Assembly of 1616 passed a resolution on the liturgy and added, 'It is thought most necessary and expedient that there be an uniformity of church discipline throughout all the churches of this kingdom, and to that effect, it is ordained that a book of Canons be made and published in print, drawn forth of the books of former Assemblies, and where the same is defective, that it be supplied by canons of councils and ecclesiastical conventions of former times'¹. The Archbishop of Glasgow and William Struthers, minister in Edinburgh, were appointed to put in form these ecclesiastical canons and to present them to the commissioners named by the Assembly, who were authorized to examine and approve them. Thereafter a petition should be presented to the king asking that he would sanction them by his royal authority. The proposals were duly presented to him, but he raised some objection and later produced the Five Articles of Perth. At the Perth Assembly, on 25th August 1618, the Archbishop of St. Andrews alluded to the king's determination to have these articles inserted in the book of Canons. But apparently nothing further was done until the 1636 Book of Canons was ready, the delay apparently due to the opposition of some.²

These Canons (of 1636) are said to have been compiled by Maxwell Sydserfe, Whitford and Bannatyne, bishops respectively of Ross, Galloway, Dunblane and Aberdeen, but they were transmitted to London and revised by Laud and two English bishops. An instrument of the king ratified them and ordered that those in Scotland with ecclesiastical jurisdiction should see them punctually observed. This instrument is contained in the preface to the 1636 Canons, which were printed in Aberdeen. But these Canons were never submitted to any convention of the clergy, they owed little if anything to the records of the General Assembly, and they were almost universally condemned.

¹ Cook, *History of the Church of Scotland*, Vol. II, p. 263.

² Cook, *Op. cit.*, pp. 356ff.

This Book of Canons was rejected by the Glasgow General Assembly in 1638. However, after the Restoration the problem of the Canons seems to have been raised again. There is notice of Synods meeting to draw up rules for worship, etc., e.g., the Synod of Dunblane on 15th September 1662¹ and that of Edinburgh on 14th October 1662.² But there seems to be no notice of any appointments or meetings precisely for the drawing up of Canons.

Some points relative to what appears in the MS. Canons may be mentioned. On 11th June 1662, a statute was renewed for the observance of 29th May as the anniversary of the king's restoration, and any who refused to observe the day were to be ineligible for any ecclesiastical office. In his *History of His Own Times* Gilbert Burnet blamed the bishops for not calling a General Assembly, for not enacting Canons or compiling a Liturgy, for not having public prayer in their cathedrals, for residing too often in the capital or out of their dioceses, for their vain display in their families and equipages, and so on.³

In 1670 and 1673 there were acts against conventicles.⁴ In this period there were also attacks on the Quakers.⁵ And in 1679 James Gordon's *Reformed Bishop* appeared, in which he urged the compilation of a Catechism and of Canons and the gradual introduction of a liturgy.

The Revolution put an end to this discussion, but the Episcopalians must have had such matters still in mind. The 1636 Canons were reprinted in 1716. Is it possible that this reprint was made in connexion with the reprint of the 1637 Liturgy in 1712, done at the instance of the Earl of Winton? The reprints were indeed done by different printers—the Liturgy by James Watson, and the Canons by William Adams, Junior, both of Edinburgh.

Later still, the Episcopalians turned their minds to the formulation of Canons. A short set of six appeared in June 1727, the intention being to establish a strict diocesan system. Later sets of Canons appeared from time to time, and their history and development may be studied in the Introduction to *The Canons of 1929* of the Episcopal Church in Scotland.⁶

¹ Grub, *Ecclesiastical History of Scotland*, Vol. III. p. 202.

² *Ibid.*, p. 202.

³ Burnet, Vol. I, pp. 263, 356, 373ff. Cf. Grub, *op. cit.*, p. 225.

⁴ Grub, *op. cit.*, p. 241.

⁵ See note on chapter 3 of the Canons.

⁶ Cambridge University Press, 1920.

II. TEXT

Cap. lvm. Concerning the Regal Power, etc.

THE religion of Christ teacheth us to honour secular and soveragne Princes, as the vicegerents of God upon earth. And therfor it is ordained that all Archbishops, Bishops and all other persons in holie orders, all Professors off Divinitie, all Masters, Principalls, Primars, Regents and all whosoever bear charge in Schools, Colledges, and Universities, shall faithfully assert and acknowledge his Ma'ties just and supreme jurisdiction over the estate ecclesiasticall, utterlie renouncing all foreigne Power repugnant to the same, and that they shall purelie and sincerelie teach and declare in their sermons, exhortations, lectures and conferences at all fitt and convenient occasions—

That the high and sacred order of Kings is ane ordinance of God, founded in the prime laws of nature and clearly established by express scriptures in both testaments,

And that to kings a supreme power is given from God to rule and command in their severall dominions, all persons, of what rank or estate soever, whether ecclesiasticall or civill, and to restrain and punish with the temporall sword all stubborn and wicked doers,

That the Power of God's Church is so committed to kings in the scriptures that they are commended when the Church keeps the right way and taxed when it runs amiss, and therfor the ordering of her externall Politie belongs in chief unto kings,

That the power to call and dissolve Synods both Nationall and Provinciall is the true right off all Christian kings within their own Realms, and when in the first tymes of the Church, Bishops used this power, it was because in those days they had no Christian kings, and it was then so only used as in tymes of persecution; and with supposition (in case it were required) of submitting their verie lives unto the commands and laws even of those pagan Princes as they might not so much as seem to disturb their civil government, which our Saviour came to confirm and not to undermine or destroy,

That for anie to maintaine or defend in anie of his Ma'ties Realmes under anie pretence whatsoever, anie independent coactive power either Papall or Popular (whether directlie or indirectlie) is to undermine their Great Royall office, and cunninglie to overthrow that most sacred ordinance of God, and so is treasonable against God as well as against the king,

That for subjects to bear Armes against their kings, offensive or defensive, upon anie pretence whatsoever, is at least to resist the powers which are ordained off God, and though they doe not invade bot onlie resist, St. Paul tells them plainlie they shall receive for themselves damnation.

And we doe hereby require all Archbishops and Bishops and inferior ministers that they teach and exhort their people to obey and honor their kings; and that they presume not to speak of his Ma'ties Power in anie other way than is expressed in this constitution; and if anie ecclesiasticall person whatsoever sall in anie sermon, lecture or disputation, either by word or writting, maintaine anie doctrine contrarie to the foresaid Rule, he salbe suspended from his office and benefice ecclesiasticall or academi-call for the space of ane year, and if he so offend a second tyme, he shalbe deprived of all his offices and promotions, of what nature or degree soever they shalbe.

Cap. zum. Anent the better keeping of the Day of his Majesties most happie Birth and Restauration.

Considering the inestimable benefits this Church enjoyeth under the peaceable and gracious government of our dread soveraigne Charles the second together with the practise off Christian Emperors of old and of our owne most religious Princes since the Reformation, oblidging all their subjects to celebrat the days of their inaugurations with solemn prayers and thanksgivings to almightie God, considering withall how negligent some people are in observing the day of his Ma'ties Birth and Restoration, notwithstanding of the good Laws thereanent provyded, doe therfor ordain that all manner of persons within this Church shall in all tyme comming keep and celebrat the 29th of May yearlie, by their devot comming to their parish-churches; and that all ministers within the Church and kingdom shall preach to their people upon the day forsaid; and solemnlie with the people offer humble praises to God for his great signall mercies to these kingdoms in the most happie Birth and restauration of his sacred Ma'tie to the throne of his Royall ancestors; and therby delivering these kingdoms from the usurpation and Bondage under which they did so long groan; that so great a blessing may never fall under oblivion or neglect, certifying all ministers who shall not celebrat the said day in manner above-specified, they shalbe censured by their Ordinarie with suspension from their office and Benefice, for the first failure, and with deposition for the second.

Cap. 3um. Anent suppressing of the growth of Poperie and Quakerisme

Considering the great hazard of the Protestant Religion thorow the encrease of Poperie and quakerisme, it is ordained that all Archbps. and Bishops and other ecclesiasticall persons shall use all due care and diligence to bring back to the trueth those who are misled into popish superstition and into the dangerous errors of quakers, and that either by privat conferring with the parties or by the censures of the Church.

And these privat conferences to be mannaged either by the Bishop or by some one or more learned ministers to be appointed by him or by the severall meetings of Presbyters in their allowed Church—[courts *del*] meetings, which conferences iff persons who have made defection to Poperie or Quakerisme refuse to observe, they salbe holden contumacious and so certified to the Bishop.

Iff these conferences prevaile not, the Church in its ordinarie and allowed [courts *del*] meetings for Discipline, sall proceed to censure the obstinat with the dreadful sentence of excommunication in the ordinarie way and method.

And all ministers are hereby strictlie required carefullie to present the names and sirnames of such delinquents in their owne Parishes at the ordinarie meetings for discipline under the pain of suppression for 6 moneths.

And iff neither conferring nor censure will prevaill with such persons, the Church hath no way left bot complaint to the secular power and therefore it is peremptorilie required that all ordinarie meetings for discipline shall at evrie Diocesan Synod give up a list to their severall and respective ordinaries off all such contumacious persons. And all Archbishops and Bishops are in like manner enjoined once evrie year at least to present the names and syrnames off all those obstinat and excommunicated persons whether papists or Quakers, to his Ma'ties most honourable Privie Councill, that so the laws of the kingdom may be executed against them and they may be punished accordinglie.

[And the Archbishops, Bishops and other ministers of the Church do humblie and earnestlie entreat the noble Lords of his Ma'ties most honorable Privie Councill to be carefull and zealous in the execution of the said Laws committed to their trust; as they will answer to God for the daylie encrease of this gross kynd of superstition and enthusiastick errors. *del*].

Cap. 4um. Anent separation and unlawfull assemblies for worship in Conventicles.

The solemne Assemblies off Christians on the Lord's Days and other tymes appointed by the Church for publict worship being a speciall meane for preserving the unitie of the Church and entertaining the Communion of the saints and all separat meetings and conventicles under pretence of religious worship having been ever esteemed dangerous and hurtfull to the peace off the Church as being nurseries of schism and sedition and of manie gross and pernicious errors and heresies, and having been found of late in this kingdom, seminaries for the subversion of peace, loyaltie, unitie and order, and engines for the introduction of poperie and other gross errors, and for advancing profannes, it is therefore ordained that all persons who ordinarilie separat themselves from the established worship and ordinances of this Church, and assemble themselves in houses or fields under pretence of religious worship, salbe dealt with by the Minister of the Parish where they live, and others to be appointed to that end, to joine themselves to the regular assemblies off the Church, forsaking all illegall and schismaticall meettings; which iff they despite, they salbe proceeded against as schismatics and be deprived off the priviledges and benefits of the Church off Christ whose communion they contemne.

And the Preachers at these schismaticall meettings (after admonition to amend), let them be proceeded against with the highest censures off the Church, as ringleaders in advancing so dangerous a schisme.

And all orthodox and orderlie ministers are hereby required and charged, by their sermons and other ministeriall offices to inform and warne the people off the sinfullnes and sadd consequence of these dangerous and shismaticall separations from the worship and communion of the Church.

Cap. 5um. Anent the tryall, ordination and charge of Min'isters or Presbyters.

1. Since the office of the holie ministrie requires such ane eminent measure of sufficiencie as humane weaknes is capable off, and is often dishonoured by the ignorance, insufficiencie and scandalous conversation of manie who undertake the same, it is ordained that no person salbe admitted to that holie function who hath not been educated in learning, and taken some degree in some Universitie or Colledge; and who shall verifie the same by authentic certificates,

2. No person shalbe admitted to tryall for the holie ministrie unless he bring a certificat from the ministers of the place where he hath resided, that he hath been exercised in honest studies and that he is blameles in his life and conversation, this certificat to be attested under the hands of two or three Presbyters at least.

3. No person shalbe received into holie orders without due and previous examination of his learning and sufficiencie, by the Archbishop or Bishop of the Diocese, or by learned and grave Presbyters to that effect appointed.

4. The age and prudence of him who is to be ordained must also be considered, that he be no novice, but off a competent age for so serious and weightie ane calling, that he bee of a modest and stayed carriage, so that his levitie or indiscreet behaviour may not bring his parts or calling into contempt.

5. No Bishop shall hereafter admitt anie person into holie orders, who is not of his owne Diocess, unless he be recommended for that effect by the Bishop of the Diocess where he lived. Nor shall any be ordained unless he have a particular place or charge where he may use and excercise his function, and if any Archbishop or Bishop doo otherwise, he shall keep and maintaine the person so ordained, in all things necessarie, till he be provyded to some ecclesiastical living; and if he offend in this a second tyme, he shalbe suspended from his office.

6. That the greater reverence may be payed to that holie calling, all ordinations salbe made by imposition of hands, and with solemn prayers openlie in the church, and in the presence of three or four Presbyters of the Diocess, who shall lay on hands together with the Archbishop or Bishop.

7. No person shalbe received into holie orders nor suffered to preach, read divinitie lectures, minister the holie sacraments, or exerce anie other ecclesiasticall function, unless he first owne and recognosce the supremacie of the King's Ma'tie, and subscribe to be obedient to his ordinarie and to the rules or constitutions of the Church. And if anie Bishop shall ordaine, admitt or license anie person otherwise, he shalbe suspended from giving of orders and licenses to preach for twelve moneths. And iff anie Presbyter or minister after he hath subscribed to live obedient and conform, shall revolt, he shalbe suspended; and in case he doe not repent, conform and submitt himself within the space of three moneths, he salbe deposed from the ministrie.

8. To avoyd the detestable sin of simonie, the Archbishop or Bishop at his ordaining into or collating off anie benefice or ecclesiasticall living,

shall minister to the Intransigent his oath against simonie, and iff the Bishop shall not minister that oath he shalbe reputed guiltie of simonie himself and censured accordinglie.

Cap. 6um. Anent the conversation, preaching and residence of ministers.

The sober, grave and exemplarie conversation of all those who are imployed in the administration of holie things, being of great force for advancing pietie, it is straitly enjoined to all ministers to have a pious regular and inoffensive demeanour; and we doo strictlie charge them, that setting before their eyes the Glorie of God, the holiness of their calling and the edification of the people committed unto them, they carefullie avoyd all excess and disorder, and that by their christian and religious conversation they shine forth as lights unto others, in all godliness and honestie; requiring those to whom the inspection over ministers is committed, that they putt the following rules in due execution, for censuring and reforming all offensive and scandalous persons, iff anie be in the ministrie, as they tender the welfare and prospering of pietie and religion, and as they will answer to God for those scandalls which thorow their remissnes and neglect shall arise and grow in this Church of Christ, to the purpose it is ordained

1. that no minister shall at anie tyme unless honest and necessarie occasions oblige, resort to anie tavernes or alehouses; neither shall they give themselves to anie servile labor, to drinking or riott, spending their tyme profuselie by day or night, in playing at Dice, Cards, tables or anie unlawfull game; but at all tymes convenient, hear or read somewhat of the holie scriptures; or exercise themselvs in some honest studie or Employment, always doing those things that pertain to honestie, and endeavoring to profit the Church of God; mynding always how they ought to excell all others in puritie of life, and by their example to lead the people to live holie and Christian lives; under pain off the censures of the Church to be severelie inflicted according to the qualitie off their sin and offence.

2. Since the Ancient Church did strictly inhibit anie men to be admitted into anie holie office, who had not brought their families to be Christian; therfor all ecclesiasticall persons are required so to govern their families that they may be as little churches in regard of the daylie exercises of devotion in them, neither shall they conform themselves to the vanitie and superfluitie of the tymes, bot on gravitie and honestie keep that decencie which their calling and place dooth require; taking care that their wives be modest and sober, their children educated in pietie and vertue, and their servands off a good and honest conversation.

3. To restrain the wandering humor of some churchmen so often censured in ancient Councils, It is ordained that no Presbyter shall leave his charge to goe to Court or other places out of the kingdom, without the license of his Ordinarie and that the business be knowne to be urgent and necessarie; wherein if they shall transgress, the Bishop of the Diocess after tryall shall inflict such censure, as his fault shalbe found to merit, and it being observed that sundrie Presbyters resort oftener unto and stay longer in Edinburgh then their charge can wele permitt, it is ordained that speciall notice be taken of such, and their names be sent to their Ordinarie, that due censure may be inflicted.

4. Iff anie minister or presbyter shall go out of his Diocess to sute plantation in another or accept of anie place without the consent of his ordinarie, he shalbe recalled by the Bishop and returned to his charge, and iff he disobey be deposed.

5. Because manie in holie orders prejudice themselves by suretieship, it is ordained that no presbyter shall hereafter become suretie for anier person whatsoever in civil bonds or contracts, under the pain of suspension ever till he be released from his cautionrie.

6. All ecclesiasticall persons shall carefullie shun and avoyd all companie wherein filthie songs and unclean gestures are used, lest they incurr the suspition off profannes; nor shall they give themselves to the studie off unlawfull arts or sciences, nor consult with such as are infamous for magick, sorcerie or divination, under the pain of deposition from their office and function.

7. If anie person shall enter into holie orders, and afterwards leaving the excercises of his function, shall betake himself to idlenes or anie common trade of life, he shall be repured ane apostate, deprieved off his benefice iff he have anie, and iff he have non he shalbe incapable of anie for ever. In fine, no presbyter shall frequent the companie of hereticks, schismatics and excommunicated persons under the pain of suspension, unless the Church hath appointed them to confer with such persons for bringing them home into the right way.

Cap. 7um. Some further rules anent the preaching, residence, translation and apparrell off ecclesiastical persons.

1. It is ordained that no person who hath not been received into holie orders, whatsoever measure of knowledge, learning or holiness he may have, sall presume to exercise the office of a minister, either in whole or in part; and iff he presume so to doe, not having receaved ordination and not

being licensed by his ordinarie, let him be excommunicated. And iff anie number of single Presbyters sall assume to themselves the power of ordination and sall without the authoritie of the Archbishop or Bishop off the Diocess, presume to give imposition of hands to anie person, for putting off the said person into holie orders, the Presbyters so offending salbe excommunicated, and the person so irregularly ordained salbe degraded.

2. That no stranger be admitted in anie church unless he be a person of known worth and orderliness, or licensed by the Bishop of the Diocess. And howbeit the whole tyme of oure life be bot short to be bestowed in the service of God, yet seeing he hath regard in his worship to oure infirmities, it is required of ministers that in their sermons and prayers they shune tediousness and by succinctness leave in the people an appetit for further instruction, and a fresh desire to devotion.

3. No Presbyter or preacher shall presume in sermons or otherwise to speak against his Ma'ties laws, statutes, acts or ordinances, bot iff he entertain any scruple or doubt, let him repair to his ordinarie and receive instruction.

4. If any Presbyter shall in the pulpit particularlie or of purpose impugne or confute the doctrine delivered by anie other preacher, in the same church, or in any church near adjoining, before he hath acquainted the Bishop of the Diocess therewith, and received order from him what to do in that case; because upon public dissenting and contradicting much scandall and disquiet may grow among the people; the same being made known to the Bishop, he shall not suffer the preacher anie more to serve in that place which he hath once abused, unless he faithfully promise to forbear all such matter of contention in the Church, until order be taken therein by the Bishop who with all convenient speed shall so proceed, as public satisfaction may be given to the congregation where the offence was committed. And if either of the parties offending doe appeal, he shall not be permitted to preach *lite pendente*. Neither shall anie Presbyter use bitter invectives against his fellow Presbyter or endeavor by indirect means to disgrace him with the people, under the pain of being censured as a profaner of the word of God.

5. No man's name shalbe expressed in pulpit to his reproach, unless the fault be notorious; which notoriety is defined; iff the person be fugitive convict by ane assize, excommunicated or contumacious after citation—nor shall any man be described by any other circumstances than by public vices always damnable.

6. That every minister may be the better enabled to perform his duetie and be throughlie furnished with knowledge, he shall carefullie

provyde himself with good books, and especiallie the books of the holie scriptures and the writtings of the ancient Fathers and Doctors of the Church, wherein he shall diligentlie studie, not giving himself to wandering thorow the countrey, nor medling in matters not belonging to his calling—and iff anie doe otherwise and after admonition amend not, he shalbe suspended from the ministrie, and if he continue in that evill course, he shalbe deposed.

7. It is ordained for the encrease of knowledge that all ministers be diligent in the work of instructing and catechising their people, and whan any person is dangerouslie sick the Presbyter having notice therof sall resort unto him or her (iff the disease be not known or probablie suspected to be infectious) to instruct and comfort them in their disease, from the precepts and promises of the holie gospel, and to pray for and over them.

8. Since the dutie of ministers not only oblidges to stir up the affections of people by serious exhortation, but also to inform their judgement by solid instruction, that they may be acquainted with the grounds of their professed religion, it is therefor ordained that they be frequent in preaching catecheticall doctrine, for advancing knowledge among their people. And all ministers sall move their people to join with them in prayer, useing some few and convenient expressions, alwayes concluding with the Lord's prayer, and in singing praises to God, the psalm after sermon salbe concluded with the doxologie to the blessed Trinitie.

9. Seeing many inconveniences result upon the non-residence off ministers, it is therfor ordained, that everie minister reside at the church wher he serveth, or nigh thereunto. And iff he be absent without licence off the ordinarie six Sundays in the whole year, or do not use and exerce his office being present (the case of infirmitie being excepted) let him be admonished, and iff after two admonitions he amend not, let him be deprived of his benefice.

10. For restraining the levitie and inconstancie off some who upon everie light occasion seek to be translated, it is ordained that no translation be granted to anie ecclesiasticall person, unless the same be allowed by the ordinarie; and iff he hath dilapidated the rents, by setting a lease of the tithes for a small duetie, or by any other transaction to the prejudice of the Church, he shall not have the libertie of translation unto a better benefice bot be compelled to endure the povertie himself hath caused.

11. It being necessarie for the honor of religion that all ecclesiastical persons be had in due esteem and reverence, for the worthines of their

holie calling and work, it is ordained that all Archbishops and Bishops, Deans, Archdeacons, Masters of Colledges, Doctors in Divinitie, all Presbyters and ministers, shall use apparrell beseeeming their degrees and abstain from all light and new-fangled garments, either in color or fashion, no ways becomming the gravitie of their persons and places.

Cap. Sum. Concerning the Sacraments.

1. Since the administration of the sacraments is to be performed by such onlie who are in holie orders, it is ordained that no person unordained and who hath not received imposition of hands and licence from the Bishop of the Diocess presume to take upon him the administration of the same, under pain off excommunication.

2. Howbeit all persons be desired to observe the Lord's day, for celebration of the sacrament of Baptism so farr as they may, and for thatt effect to bring their infants to the Church, yet no Presbyter shall delay or refuse to baptize anie child presented by the parents or anie one of them, assisted by two or three witnesses, upon anie ordinary weekday, altho the same be no ordinarie hour of sermon, and for the Church's assurance that the child shalbe educated in the true Christian faith, the Presbyter shall rehearse or cause to be rehearsed by the Presenter of the child the apostolic creed.

3. Seeing the blessed sacrament of the Lord's Supper is instituted for confirmation of faith and encrease of Grace, and to be a testimonie of our holie profession; it is ordained that the same shalbe frequently administered, at least twice a year, by every minister in the church he serveth.

4. And for the better preparation of the people, the Presbyter shall be diligent in examining off them, especially those of the younger sort, to see that they know and hold the foundation of Christian religion and be not guiltie of anie grievous sin unrepented off. For which cause he shalbe carefull to enquire into their manners, lest anie that are ignorant or notoriouslie scandalous and wicked bee admitted to the participation of that holie misterie. Nor sall he receive anie person of another congregation without a certificat from the Presbyter theroff, bearing that he doeth communicat with him and the rest of the congregation at other ordinarie tymes.

In the administration the Presbyter salbe carefull that all due reverence bee practised, and that the elements be circumspectly handled, and what is reserved therof, be distributed to the poorer sort which receive that day, to be eaten and drunken by them befor they goe out off the Church.

Cap. gum. Off Synods.

1. For the more effectual execution of Church censures and discipline, and for the better tryall of disorders which may fall out among the clergy and the preserving unitie in doctrine and discipline, it is ordained in everie Diocess assemblies shall be kept twice a year in such places and at such tymes as the Bishop shall appoint. And iff anie absent himself without a lawfull excuse, signified at the tyme, he shalbe suspended till the next Synod.

2. Whereas all clandestine and secret meetings of churchmen, out of the ordinarie and allowed judicatories, have been ever justly suspected and accounted dangerous and hurtfull for the unitie and peace off the Church wherein they live, It is ordained that no such meetings be kept by Presbyters or anie other ecclesiasticall persons whatsoever, for treating or consulting upon matters ecclesiastick, especially of publick and universall concern to this Nationall Church and that all matters of that kynd be handled and treated onlie in the allowed conventions of Bishops and by the consent of the respective Bishops (with the express advice and consent of the respective Metropolitans, iff the matter to be consulted or treated relate to anie thing of universal concern to the whole Nationall Church) in their lawful Synods established by his Ma'ties authoritie. And iff anie shall presume to keep anie such secret meetings for consulting upon causes ecclesiasticall, especiallie such as relate to the interest of this whole Nationall Church, and shall either make petitions or gather hands or subscriptions of Presbyters or others, to petition either Bishops or anie other in authoritie in matters that concern the Church; the ecclesiastick person so offending shalbe proceeded against as a factious and divisive person, and shalbe simpliciter deposed from his office and benefice in the Church.

3. Since by his Ma'ties authoritie, with advyce and consent off the Estates off parliament, ye constitution of a Nationall Synod in this Church is declared and asserted—It is ordained that no ecclesiasticall person sall presume to call the constitution thereof into question or debate, under the pain of suspension for the first offence and of deposition for the second, The like penaltie salbe incurred by anie who shall affirm that it is lawfull for any Presbyter or lay person, jointlie or severallie, to make rules, orders or constitutions in causes ecclesiasticall without the authoritie of the king or his successors.

4. National Synods called by his Ma'ties authoritie for matters concerning the Church in Generall, shall bind all persons, as well absent as

present, to the obedience off the decrees thereof, in matters ecclesiasticall, under the paines in the said decrees expressed.

Cap. ioum. Off Meettings to Divine worship.

1. The Publick meettings on the Lord's Day and at other tymes appointed by the Church, being a special mean to entertain the Communion of saints, it is ordained that the same shalbe carefullie observed and frequented by all persons of what condition soever; and that they shall use all due reverence in the tyme of divin worship, and of evrie part thereof, seing according to the Apostles rule all things in the Church are to be done decentlie and according to order.

2. No man or woman of what degree or calling soever shalbe otherwise employed in the Church, then in quiet attendance to hear observe and understand what is read preached or ministered and concurring in the publick worship. Neither shal they disturb the worship or sermon by walking or talking or anie other manner of way, nor depart out of the church during the tyme of worship nor befor the blessing be pronounced.

3. Neither shall idle persons be suffered to abide either in the Church-porch or Church-yard, dureing the tyme of divine worship or sermon, but shall be caused either to come in to join in the worship or to depart.

4. Non in holie orders shall without the licence or direction of his ordinarie appoint or keep anie solemn Fasts, or be present thereat of purpose, under the pain of suspension or other censure, which the Bishop shall judge fitt to inflict. Neither shall it be lawfull to keep or indict anie fast to be kept upon ye Lord's days, bot onlie upon the other week-days and such as shalbe appointed by his Ma'ties authoritie or the ordinarie.

Cap. iium. Concerning Marriage.

1. No persons shalbe allowed to marrie within the degrees prohibited by the law of God; and all marriages so contracted and made salbe judged incestuos and unlawfull, and dissolved as voyd and null from the beginning; and the parties so married shalbe separated by law.

2. It shall not be lawfull to joine persons in marriage being under the age of twentie one years, without the consent of parents iff they be alive, or of their tutors and governors iff their parents be dead.

3. It is ordained that no minister upon pain of suspension shall celebrat marriage twixt anie persons whose bannes are not proclaimed three severall Lord's Days in the Parishes where they remaine. Nor shall he celebrat the same in anie Privat place, but publickly in the Church,

and at the ordinarie and allowed tymes, without licence of the Archbishop of the Province or off the ordinarie.

4. Because some necessarie and extraordinarie cases occur, wherein licence cannot be refused to some persons to marrie without haveing their bannes proclaimed. It is ordained that no licence be granted bot to persons of better rank and qualitie, and that upon good and sufficient suretie that there is no impediment of precontract consanguinitie or affinitie, or anie other lawfull cause to hinder the marriage; also that the persons are not under the censures of the Church; and that the marriage shall not be solemnized, till first the consent off parents or tutors and Governors be obtained for that effect: Neither shall the licence be granted by anie, bot by the Archbishop of the Province or the Bishop of the Diocess.

Cap. 12um. Concerning Scholemasters and Printers and of the Registration of Baptismes Marriages and Burialls.

1. It is ordained that non teach either in publict schoole or privat house, or officiat as chaplains in anie familie, or be tutors or Governors to the children of noblemen or gentlemen at schooles or Colledges bot such as shalbe allowed by the Archbishop of the Province, or Bishop of the Diocess, under their hand and seale; and who shalbe found qualified for learning, dexteritie off teaching, and sober and good conversation, for the instruction and education of the youth, and especiallie it is required that they be sound and orthodox in religion and obedient to the rules of the Church—they shall frequent the Church with their schollars and there see to their reverend and religious behaviour, and at tymes convenient sall catechize them, examining them of their learning and proficiencie in religion that so they may be trained up in the Principles and grounds of religion and loyaltie.

2. For restraining the libertie of printing, which is much abused in setting forth books, ballads, satiricall libells, and other pamphlets, repugnant to trueth and sobrietie and tending to the subversion of vertue and good manners, it is ordained that nothing hereafter be imprinted unless the same be seen and allowed by visiters appointed by law, to that purpose, under pain of the censures of the Church, beside the confiscation of the books or pamphletts so printed, and other paines to (be) imposed upon the Printers by his Ma'ties most honourable Privie Councill.

3. In everie Parish church within the Kingdom, ane book shall be provyded, wherein shalbe written the day and year of everie baptisme, marriage and buriall, and there kept in record, and to prevent neglect, the

minister sall everie week once cause write in the said book the names of all persons baptized with the names and syrnames of their parents, the names also of all persons married, and buried in that parish in the week preceeding; with the day and yeare of everie such baptism, marriage and buriall; and everie yeare once shall transmitt unto the Bishop of the Diocess, within one moneth after the first day of Januarie, a true copy of all the names of all persons baptized, married or buried within his parish, with the dayes and moneths of everie such baptisme, marriage and buriall, subscribed with his owne hand, that the same may be preserved in the Bishops Register, wherein iff he shall be found negligent he shalbe called and censured, for the contempt of this necessarie constitution.

Cap. 13um. Off revenues, lands, or other things belonging to the Church.

1. Beside a Bible of the translation of King James and basons and cupps of some pure metall for the celebration of the holie sacraments. It is ordained that in each parish-church a decent pulpit be provyded and placed in a convenient part of the Church for preaching of the word off God. And if anie controversie arise anent the placeing of the same, it shalbe determined by the Bishop of the Diocess.

2. A chest for almes shall also be provyded strong and sure, wherin shalbe putt the almes and charitable contributions for the poor, of all the Parishioners; which chest shalbe kept by a person of honest and vertuos reputation of the parish, and the key shall still be in the custodie of the Presbyter or minister of the parish. This almes either yearlie quarterlie or oftener as need requireth salbe taken out of the chest by the Presbyter in the presence of six or seven grave and chief men of the Parish, and befor them distributed to the poor and most indigent within the same.

3. All these things above said being provyded at the charge of the Parish, salbe carefullie preserved by the minister and others to that end appointed, who must be carefull, according to the good laws made for that effect, to have the Church repaired, the windows glased, the roof wele covered and all things ordered therein, in such manner, as best beseemeth the house of God.

4. The like care shalbe taken that the church-yarde be wele fenced and maintained and that nether church nor church-yard be abused or prophaned with plays, feasts, banquets, temporall courts, mercatts, musters or suchlike, and therfor that all those things pertaining to the Church, may be kept in good order and frame, there shalbe frequent visitations held, by the Bishop of the Diocess, or the Archdeacons or anie other ecclesiasticall persons by the Bishop appointed. The Archbishop also

may metropolitically visit all the Diocesses within his Province, so that it be bot once in his lifytyme; and that at such tymes as ye ordinaries shall judge most convenient, for the good of the Church, and shall either by themselves rectifie such abuses as they find, or call for aid and assistance from the secular Power as is by law provyded.

5. Forasmuch as the Goods and Revenues belonging to the Church of what kynd soever, are not committed to the disposall of ecclesiastick persons, but onlie to their using and dispensing, It shall not be lawful for anie Archbishop, Bishop, Parson, Vicar, or anie church-man, to sett, alienat, or putt away from the church or present use thereof, his benefice, Church-rent or anie part of the same to anie person or persones, whether wife or child, friend or stranger, mediatlie or immediatlie, and whosoever shalbe found so to doe shall either be compelled to restore the same, or be deposed from his office, benefice and living.

6. It is against all reason that ecclesiasticall livings sould goe after the manner of earthlie inheritances; or that the incumbents sould exhaust the same, by setting leases which are not to run out for a long tyme after their death, to the hurt and prejudice of their successors; it is therfor ordained, that no church-man shall sett anie part of his living or rent, longer than his own lifytyme or the tyme prescribed and defined by the laws of this kingdom, under the pain of deprivation from his office and benefice, nor sall he give lease or tack off anie part of the Revenue, off which he is now in possession, under the same penaltie.

7. No Bishop or Presbyter shall appropriat to his privat use, anie part of the lands or goods pertaining to the Church, or doted to pious and holie uses. And if they presume so to doe, their heirs and executors salbe holden to restore the same; it is therfor necessarie, that the things belonging to the Church be knowne and discerned from those things that pertain in propertie to the Bishop or Presbyter; lest after their death, ecclesiasticall goods be converted to privat use, or goods belonging to themselves in propertie be taken for things ecclesiasticall; it is therfor ordained, that evrie Archbishop and Bishop in their severall Diocesses, shall procure a true note and inventarie off all the gleabs, lands, meadows, orchyards, houses, implements and portion of tithes belonging to anie Church, and carefullie cause record and preserve them in their Registers, *ad perpetuam memoriam*.

8. Things dedicated to holie and religious uses, and such other things as are offered willinglie, or by latter will and testament left to anie pious use shalbe carefullie lookt after by the Bishop and Presbyter, that they be not lossed nor converted to anie other use, and if anie person shall fraudu-

lentie detainie things offered, or left by latter will to the poor or anie pious use, he shalbe suspended from all benefits of the Church as a murderer of the poor and irreligious subverter of the pious intentions off Christian people.

9. If anie Presbyter shall withhold, detainie or destroy or deliver into the hands of competitors, anie writing or instrument whatsoever, wherby the donation of ecclesiasticall goods, or their right or possession may be instructed; or in the pursuit of acquitting them, shall privatlie transact with the partie, without the knowledge and consent of the ordinarie, to the hurt and prejudice of the Church in anie sort, he shall refound the losses that came by his deed, and be deposed from his function.

10. Wheras too great latitude may be assumed in altering the latter will of those who have mortified anie thing to the use of the Churches, Colledges, Schools or hospitalls, which cannot bot give great offence and obstruct wele-affected people from founding or making anie such dotations —It is ordained that hereafter there shalbe no alteration made of the benefactors will, bot that the same shall stand firm, and be faithfully preserved to the use for which it was first appointed, and it is hereby also provyded, that if anie out of a devot mynd have dedicated anie part of his means or substance to the Church, and either he or his children fall thereafter into povertie, they shalbe releevd and supported by the Church, upon which they have bestowed their beneficence, according to the means received from them.

Cap. 14um. Concerning Ecclesiastical Censures.

1. It is ordained that no Ecclesiasticall judicatorie shall medle with anie matter bot what without all controversie doeth notorlie belong therunto; as heresie, schisme, swearing, blasphemie, profane or schismaticall separation or withdrawing from the solemn assemblies and publict worship off the Church, non-communicants, disturbers of divin worship, committers of whoredom, adulterie, incest, common drunkennes, and all other things whatsoever which ought to be censured by laws ecclesiasticall; and such as are tryed and found notorious offenders in anie of these or the lyke scandalous practices, sall not be admitted to the holie communion, till they have made satisfaction, according to the accustomed manner and practise of this Church.

2. The censure of excommunication being the highest punishment which the Church can inflict, may not be summarie, nor suddenlie used, but after lawful citation and due admonitions and prayers preceeding. Neither shall anie Presbyter pronounce the sentence of excommunication

against anie person till he have shown the process to the ordinarie, and obtained his approbation under his hand.

3. The names of persons excommunicated shalbe delivered to the Bishop of the Diocess, and no satisfaction may be receaved nor absolution given thereanent, till he have allowed the same.

4. Intimation of the sentence of excommunication pronounced shalbe made in all the adjacent churches, that non may pretend ignorance theroff, and iff anie after intimation shall resort unto or converse with anie excommunicated person or persons (those excepted who by bonds of nature or near relation are bound to wait on or converse with them), they shalbe processed and incurr the same censure, iff they amend not.

5. Iff anie person be excommunicated in ane Diocess he shall not be absolved in another without the express consent of the Bishop who gave warrand to pronounce the sentence; and the contraveener shalbe suspended from his function and the absolution shalbe null; untill the person excommunicated have made satisfaction in the place where he was sentenced.

6. No Presbyter shall presume to alter the ordinarie and receaved form of publict satisfaction befor the Congregation or to make commutation thereof by paying of pecuniall summes for absolution in anie more private manner; under paine off suspension, reserving power to the ordinarie upon grave and weighty causes to dispense in the above rule and constitution—onlie iff the cryme hath been notour and publick, the minister shall intimat to the congregation the satisfaction and absolution of the penitent which hath been privatlie receaved, and the pecuniall summe to be exacted if the delinquent shalbe employd to the releef of the poor and other pious uses.

7. All ecclesiasticall judges shalbe carefull to have their proceedings formall, and shall not deny the extract of their acts and processes to such persons as are therein concerned. And if anie person shall for the ease and releef off conscience reveale or confess to his Presbyter anie sin or cryme he stands guiltie off, the Presbyter shall endeavour to promove the said persons repentance and reconciliation with God; bot shall not make knowne or reveale what hath been opened to him in confession att anie tyme, or to anie person whatsoever; unless the cryme be such, as by the laws of the kingdom his own life may be called in question for concealing the same.

8. Sentence of suspension, deprivation or deposition off a Presbyter shall not be pronounced by anie other then the Archbishop or Bishop of the

Diocess, in the presence and by the advyce and consent of three or four grave Presbyters or more called thereunto by the Bishop as he shall see cause.

9. Iff anie person in holie orders, lawfullie suspended or deposed, shall presume to preach or excerce anie Ecclesiasticall function dureing the tyme of his suspension or deposition, let him be excommunicated, and delivered over to the secular Power as incorrigible.

10. Concerning appellations it is ordained that iff anie person find himself lesed or injured by anie inferior ecclesiasticall judge he may appeale to the Bishop of the Diocess; and from the Bishop to the Metropolitan or Archbishop of the Province, and from the Archbishop immediatlie to the King or his Delegates: in which last case the Kings Ma'tie, iff the appellation be in a matter of great weight and consequence, shall appoint the same to be judged and determined, either by a Provinciall Synod or by three or four Bishops thereunto empowered and commissioned: and the cause being so judged and defined shall not admitt of anie further appellation.

11. Iff anie Bishop shall give ordination to a person notoriouslie ignorant or scandalous, he shalbe suspended from the Power of ordination for ane year, and the person ordained shalbe deposed.

12. Iff anie Bishop shall give ordination to a person not of his own Diocess without the consent and allowance of his owne Bishop, let the Bishop be suspended for ane yeare, and the person ordained be punished, as the Archbishop of the Province sall think fitt.

13. Since the Residence of Bishops in their Diocesses is no less necessarie than that of Presbyters within their Parishes; whosoever shall be absent from his Diocess for the space of six moneths in the whole yeare, unless he be employd by the King or the Church: for the first offence let him be suspended; for the second offence let him be suspended from the profits off his Bishoprick for the space of two whole years; and for the third, deprived of his office and Benefice.

14. In like manner if he doe not hold his visitations duellie and redress such abuses as are presented unto him, so farr as he is able and oblidge by law; let him be suspended for a year from his Bishoprick, so often as he shalbe found to offend.

15. If anie Archbishop or Bishop salbe found either directlie or indirectlie to take money for admitting anie into holie Orders, let him be deposed as a Simoniack in the highest degree, and declared incapable of anie charge in the Church,

16. Finallie, in all these Rules and Constitutions wheresoever there is no penaltie expresslie sett downe, (it) is to be understood that (the cryme or offence being proved) the censure or punishment shalbe arbitrarie as the Ordinarie, with consent foresaid, as is expressed in art. 8 of this same 14. cap. shall judge most convenient and suitable.

Cap. 15um. Off Commissaries and their Courts.

1. No man shalbe hereafter admitted Commissarie or Officiall, to excercise anie ecclesiasticall jurisdiction, unles he be full thirtie years of age, and one who is master of arts and wele studied and skilled in law (whose abilities therein are to be tryed by lawyers at the appointment of the ordinarie); he must be orthodox in religion, of good and exemplarie life, and obedient to the orders of the church.

2. The Commissarie so admitted shall answer for the Procurators in Court and not suffer them to purloine causes, or wring the clients, in anie manner; nor shall he admit anie to procure who are ignorant or unexpert in the laws of the kingdom and of the Church.

3. He shall content himself, and not suffer clerk, fiscall or other members of Court, to exceed the rates of fees allowed; and to that effect, shall place a table of them in the usuall place off the Consistorie where the court is kept, that anie may take a copie thereof; and if he or they shalbe found to receave above that which is allowed, the person so offending shall for the first fault be suspended from his office a whole year, for the second two years, and for the third he shall loss his office.

4. It shall not be lawfull for anie Archbishop or Bishop to place or appoint a Commissarie within his Diocess or anie part theroff, unless he reside and attend the service, and iff upon anie necessarie occasion he be withdrawne for a tyme, the Depute shalbe placed with the Archbishop or Bishops consent, and not otherwise.

5. Causes Matrimoniall have been always esteemed grave and weightie, and therfor require great caution when they come to be debated and determined. It is strictlie enjoined that in all actions of Divorce and Nullitie, great care and circumspection be used, that so farr as is possible, trueth may be discovered by deposition of witnesses and other lawfull proofs; and that credit be not given to the sole confession of Parties, howbeit taken upon oath.

6. In all sentences of separation *a thoro et mensa* there shalbe ane caution inserted, that the parties so separated shall live continentlie and chastlie, and not contract marriage with anie person dureing each others

life; and for the better observing theroff, the sentence shall not be pronounced untill the parties requiring the same have found good and sufficient caution, that they shall not transgress the said prohibition under pain of the deposition of the judge who shalbe found to doe otherwise.

Conclusion.

Forasmuch as no reformation of order or discipline can be thorowlie perfited at once, in anie Church, therfor it shalbe lawfull for the Church off Scotland in lawfull and humble manner to offer to his Ma'tie or his successors what they conceive fitt to be further considered, concerning anie other rules or constitutions to be added to the premisses: these above-mentioned, in the mean while, binding and oblidging all persons whatsoever, within this Church and Kingdom.

PART III — NOTES

Many of the provision of MSS. A and B are closely connected with, even derived from, not only the Canons of 1636, but also the Canons of the Church of England of 1603/4. There are parallels too with the provisions of the Queen's Injunctions of 1559. The proposed Canons of 1947 are also connected with the same sources. There are many parallels with the First and Second Books of Discipline (referred to as *I B.D.* and *II B.D.*), and it is of interest to see at how many points (other than government) the parties in the Church were agreed.

CHAPTER I. This resembles the wording of 1636. MS.B. is much the same, but it has a section similar to 1636, which is omitted from MS.A., to the effect that "whosoever shall hereafter affirm that the doctrine of the Church of Scotland, the form of worship contained in the authorized Order for public worship and administration of the sacraments (1636 has here "the Book of Common Prayer"), the orders and constitutions of the Church (1636 has "the Rites and Ceremonies of the Church"), the government of the Church by Archbishops, Bishops, Presbiters and Deacons (1636 here adds "under his Majesty") and others who bear office in the same, the form of making and consecrating Archbishops, Bishops, Presbiters and Deacons as they are now established under his Majesties authority, do contain anything repugnant to the Scriptures, or are corrupt, superstitious or unlawful, let him be proceeded against with the highest censures of the Church". Note here the use of the word "Presbyter".

Chancellor E. Garth Moore has suggested that in English Canon Law "the royal claim is emphasized as a counterblast to the papal claim".¹

It may be noted that MS.A. couples the royal claim with a renouncing of "all foreign power", and further, "to maintain or to defend . . . any independent power either papal or popular" is to undermine the great royal office of kings. The 39 Articles of Religion (in Art. XXXVII) refer to this matter, insisting on the royal supremacy in one paragraph, the next going on to say, "the Bishop of Rome hath no jurisdiction in this realm of England". Compare the proposed Canon X of 1947—"We acknowledge that the King's Most Excellent Majesty, acting according to the laws of the realm, is the highest power under God in this kingdom and has supreme authority over all persons in all causes, as well ecclesiastical as civil". The phrase, "Acting according to the laws of the realm", absent from earlier Canons, is an important and restricting clause. In Scotland, popery was abolished by the Estates of Parliament on 24th August 1560. On the regal power, see *II B.D.ch.I.para.8*.

Chapters II, III and IV are found only in MS.A. The subjects of these were all matters of concern in the period between the Restoration and the Revolution, and the points must have been added to the rules of 1636 because of pressure of circumstances.

CHAPTER II. The date was 29th May. This is derived from the enactment of the secular authorities, re-enacted on 11th June 1662.

CHAPTER III. The fear of Popery had never entirely disappeared after the Reformation. The fact that Mary Queen of Scots was a Roman Catholic, the fact that Charles I married a Roman Catholic Princess, and the fact that Charles II was regarded with some suspicion, kept a certain anti-Roman feeling alive. So far as the Quakers are concerned, members of that Society began to arrive in Scotland before 1653, when the first recorded meetings of the Society were held. Presbyteries began to take action against them by 1656-57. Petitions were made to the Privy Council against them in 1658, and the Synod of Glasgow excommunicated the members of the Society. Their meetings were prohibited in 1661, though the Act against them became more or less a dead letter. An Act of the Privy Council in 1663 sought to drive them out of Edinburgh. Both the Episcopalians and the Presbyterians were against them. Thus, Archbishop Alexander Burnet in 1665 wished them to be more severely dealt with, and Wodrow referred to them as "a dangerous sect". The Friends were

¹ *Introduction to English Canon Law*, Oxford, 1967, p. 10.

among those legislated against as persons absenting themselves from divine worship, and their meetings could have been regarded as "conventicles". But it seems that proceedings were not pressed against them so strongly as against the covenanters. For details on this matter, see G. B. Burnet, *The Story of Quakerism in Scotland*, London, 1952.

CHAPTER IV. This Canon was directed chiefly against the covenanters.

CHAPTER V. This corresponds to Chapter II in MS.B. and Canon II of 1636. In both these cases, the title was, "Of Presbiters and deacons their nomination, ordination, function and charge". (This and a few other points suggest that MS.B. was nearer to 1636). All insist on the proper education of the prospective clergyman. He must be of competent age—1636 says 25 years for a Presbyter and 21 for a deacon. MS.A. does not state an age. The person to be ordained must own the supremacy of the king. The final paragraph says the Bishop must administer the oath against simony at an ordination. 1636 says this oath is prescribed in the Book of Ordination. This was apparently issued in 1629, but no copy seems to have survived. But there was an Ordinal adopted in 1620, based on the English Ordinal, but recognizing only two orders, Bishops and Ministers. This is reprinted in the Wodrow Miscellany, Vol.II, and in the Works of Bishop Rattray, Vol.I, pp. 587ff. The oath against simony is not given in MS.A. It is in Sparrow's *Collection* of 1661. For this section compare *I B.D.* ch.II, and *II B.D.* ch.III.

CHAPTER VI. This corresponds to chapters III and IV both in 1636 and in MS.B. The details are similar in all three documents. Cf. also the Injunctions of 1559, with the rule, "Ecclesiastical persons shall in no wise at any unlawful time, nor for any other cause then for their honest necessities, haunt or resort to any Taverns or Ale-houses . . . nor shall they spend their time idly at Dice, Cards or Tables". Cf. *I B.D.* chs. IX-X. Also Act of Assembly 1596, "Anent the Entry and Conversations of Ministers".

CHAPTER VII. This is not in either 1636 or MS.B., but there is a paragraph here which says that ministers must be diligent in instructing and catechising the people, and this matter is dealt with in MS.B, chapter IX. Cf. *I B.D.* ch. XI, para 3. The last paragraph in MS.A. may seem to be extreme, but the Injunctions went much further, even prescribing attire for bed. Thus, "no ecclesiastical person shall wear any coif or wrought nightcap, but only plain nightcaps of black silk, satin, or velvet" (Canon 74). Para. 8 here refers to the use of the Lord's Prayer and the of the

Doxology in divine service. *I B.D.* ch. XI. para. 5 refers to the knowledge of the Lord's Prayer as essential for communicants. Both this and the Doxology were customary in divine worship from 1560 onwards. See W. McMillan, *The Worship of the Scottish Reformed Church*, 1560-1638, pp. 87ff. and 130ff.

CHAPTER VIII. This corresponds to VI of 1636 and VII of MS.B. Baptism and Holy Communion are discussed. See *I B.D.* ch. II and ch. XI. paras. 4-5.

CHAPTER IX. This corresponds to Chapter VIII of 1636 and XVII of MS.B. Synods are to be held twice a year and any presbyter who is absent without lawful excuse is to be suspended till the next Synod. No other meetings of Presbyters are allowed, such other meetings being dangerous and hurtful to the peace of the Church. Any offender shall be proceeded against as a factious and divisive person and shall be deposed *simpliciter* from his office and benefice in the Church. Paragraph 4 is an addition to 1636.

CHAPTER X. This corresponds to IX in 1636 and to VI of MS.B., in both of which the words "Divine Service" are used instead of "Divine Worship". Two paragraphs in 1636 are omitted from MS.A., the first ordering that only one form of worship be used in all churches and that the whole prayers according to the liturgy be deliberately and distinctly read, and the other that prayer *ex tempore* is prohibited, under pain of deprivation. General good behaviour during worship is insisted on. As to para. 2, it is interesting to compare the proposed Canon XVIII para. 3 of 1947 which says, "No one shall disturb the Service or Sermon by walking or talking or in any other way, nor depart out of the Church during the time of the Service or Sermon without some reasonable cause". Both derive from Canon XVIII of 1603, which was to the same effect. Cf. the Act of Assembly, 1639, August 30. Several Acts of Parliament and of Assembly dealt with "Lord's Day observance".

CHAPTER XI. This corresponds to VII in 1636 and XIII in MS.B. Paras. 5 and 6 in 1636, dealing with "Causes matrimonial" and sentences of "separation *a thoro et mensa*" are omitted from MS.B. but are included in MS.A. in chapter XV. All other provisions are similar in all three. Cf. *I B.D.* ch. XIII.

CHAPTER XII. 1636 gives three separate chapters to these subjects (X, XI and XIII). 1636 uses the word "christenings" instead of "baptisms". MS.B. deals with the three subjects in chapters XIV, XV and XVI.

The sense of all three is the same. The keeping of Registers is referred to in Canon 70 of 1603 and in Acts of several Assemblies. On schools, see *I B.D.* ch. VII and Act of Assembly, 1642, Aug. 5.

CHAPTER XIII. In 1636, chapters XVI-XVII, and in MS.B., chapter XIX, correspond. Each parish must have a Bible (AV), basons and cups of some pure metal for the celebration of the holy sacraments, a "decent pulpit" for the preaching of the word of God, and a chest for alms, all at the expense of the parish. Frequent visitations by the Bishop or Archdeacon or any other appointed by the Bishop must be held. No part of the benefice or church rent may be alienated to any person, "whether wife or child, friend or stranger, mediately or immediately". 1636 has more details than this, mentioning also the Font with a cloth of fine linen, a comely and decent Table for celebrating Holy Communion, which is to be covered in time of divine service with "a carpet", and at time of Communion with "a white linen cloth". All agree that churchyards shall not be profaned with "plays, feasts, temporal courts, markets, musters or the like". Compare Canon 70ff. of 1603. See also *I B.D.* ch. XV and *II B.D.* ch. IX. As to paras. 7-8 of MS.A. see *II B.D.* ch. II. para. 18.

CHAPTER XIV. This corresponds to 1636, ch. XVIII, and ch. XVIII in MS.B. 1636 says that ecclesiastical judicatories are to deal with such things as heresy, schism, swearing, not resorting to the church on Sundays, non-communicants, disturbers of divine service, committers of whoredom, incest, common drunkenness. MS.A. adds "blasphemie, profane or schismatical separation or withdrawing from the solemn assemblies and public worship of the church". Cf. *II B.D.* ch. VII. para. 16. Excommunication, the highest punishment which the Church can inflict, must be pronounced only after lawful citation and due admonitions and prayers preceding. Further regulations as in 1636, include various rules for and warnings to Bishops. Cf. *I B.D.* ch. IX.

CHAPTER XV. This is the same as chapter XIX of 1636, but does not appear in MS.B. Paragraphs 5 and 6 in MS.A. appear in Chapter XII of 1636.

THE CONCLUSION. This appears only in MS.A. If required, further rules may be added, but meanwhile all must obey the rules and constitutions as above.

